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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,970	02/28/2005	Harald Gomm	2005_0145A	3185

513 7590 05/02/2006

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WASHINGTON, DC 20006-1021

EXAMINER
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MULL, FRED H

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,970

Applicant(s)

GOMM, HARALD

Examiner

Fred H. Mull

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 16-19, 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 14-15 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a figure(s) showing the method of the independent claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Since this is/these are the patentable feature(s) of the claims, these features are needed for the drawing that will be printed on the first page of the patent. Note that the specification should be amended to describe the additional feature/drawing, and if a new drawing is submitted, a brief description of that drawing must be added.

Someone looking at any drawing should be able to get some sense of what the invention is about (i.e., the inventive feature(s)) without an in depth reading of the specification. This is especially important because examiners use the drawings to help them identify prior art. Note that it is to the ***applicant's advantage*** to make the drawings as helpful as possible to the examining corps, in order to ensure that her/his patent will be found and used as prior art against a possible future similar invention, and thus avoid unnecessary litigation.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

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3. The disclosure is objected to because of the following informalities:

It is standard US practice to include section headings such as "Background of the Invention" and "Summary of the Invention", and "Brief Description of the Drawings" in the specification.

On page(s) 2 of the amendment dated February 28, 2005, reference(s) is/are made to portions of the claims. It is standard US practice to write out the relevant concepts rather than refer to portions of the claims, since claims are frequently canceled and/or renumbered.

On p. 6, 2<sup>nd</sup> ¶, line 2, "path [*sic*: track]" should be replaced with --track--.

On p. 6, 3<sup>rd</sup> ¶, line 4, "[tolerance]" should be replaced with --tolerance--.

Appropriate correction is required.

### ***Claim Objections***

4. Claim(s) 13-24 is/are objected to under 37 CFR 1.75(i). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should begin on a new line and be preceded with a line indentation. Plural indentations may be necessary to further segregate subcombinations or related steps. See MPEP §608.01(m). Appropriate correction is required.

5. Claim 13 is objected to because of the following informalities:

In line 4, "also" should be deleted as it is redundant.

In line 7, "[ascertained]" should be replaced by --ascertained--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim appears to state that at least two position solutions are determined from the reception time, ascertained by means of:

- (a) a precise time reference of the receiver,
- (b) of the satellite signals at the receiver, and
- (c) at least one satellite signal each from different satellites and compared with one another.

However, it is unclear how the second and third possibilities are distinguished from each other.

7. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim does not appear to present any limitations that are not equivalent to those present in the parent claim.

8. Regarding claim 20, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claims 21-22 are dependent on rejected claim 20.

***Allowable Subject Matter***

9. Claim(s) 13, 16-19 and 23-24 is/are allowed.

10. Claim(s) 14-15 and 20-22 would be allowable if amended to overcome the objections and rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action, without the addition of new matter.

11. The following is an examiner's statement of reasons for allowance:

In regard to claims 13 and 16-24, the closest prior art, IDS document Spradley, IDS document Murphy, Ford, and Misra, do(es) not teach or make obvious the following limitation(s):

comparing reception times from a precision time reference with GPS time to determine that position should be determined if the time difference with within a specified tolerance.

In regard to claims 14-15, the closest prior art, IDS document Spradley, IDS document Murphy, Ford, and Misra, do(es) not teach or make obvious the following limitation(s):

comparing position solutions calculated using reception times from a precision time reference and GPS time, and determining whether or not to use the GPS time

position if the difference between the two positions solutions does not exceed a specified tolerance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred H. Mull whose telephone number is 571-272-6975. The examiner can normally be reached on Monday through Friday from approximately 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

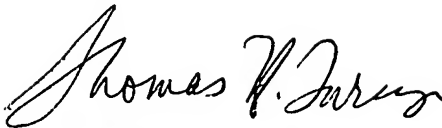


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Fred H. Mull  
Examiner  
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fhm

A handwritten signature in black ink, appearing to read "Thomas H. Tarcza". The signature is fluid and cursive, with the first name "Thomas" being more prominent than the last name "Tarcza".

THOMAS H. TARCZA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600